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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,288	03/06/2002	Randall S. Knipp	13212.111	7774
24283	7590	12/14/2005	EXAMINER	
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,288	KNIPP ET AL.	
	Examiner	Art Unit	
	Michael J. Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 31 is objected to because of the following informalities: the word "anon-demand" in line 1 would appear to be meant to be, 'an on-demand', the examiner will assume this in examination. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said plurality of social expression product" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 8 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,076,652 to Head, III (Head).

As to claims 1,30, Head discloses a production system for the production of customized orders (col 12, lines 17-44) comprising: a plurality of manufacturing means (assembly lines being a plurality of manufacturing means), means for automatically activating one of the manufacturing means to implement each step in the multi-step manufacturing process (col 12, lines 45-53).

Head does not, however, means for receiving orders. The examiner takes Official Notice that it is old and well known in the art to take orders from customers. Therefore, it would have been obvious to one of ordinary skill in the art to include means for taking orders from customers to enable the manufacturer to sell products to customers.

As to claim 16, it would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards/printed stock) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claims 2,3,18,31,32 Head, discloses means connected to and interconnecting the manufacturing means/modules (the assembly line) that transports partially completed pieces (inherent in an assembly line as the pieces are added to at each stop and only completed at the end of the line).

As to claims 4,33, it would be inherent that there would be means for identifying a plurality of manufacturing means necessary for completion of an order and the method used else the order could not be completed.

As to claims 5,34, it would be inherent that the manufacturing means include means to perform the function else the manufacturing means could not manufacture its stage of the product.

As to claim 6 it would be inherent that there is a means for accepting raw materials else the manufacture means would not have material from which to manufacture the product. Further, Head discloses means

As to claims 7,35,36 Head discloses means for registering that the manufacture means have received the material (24, as best seen in fig 1) in proper orientation (fig 3C, 104,108,109).

As to claims 8,37, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

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As to claims 9,38, the amount aggregated would be the amount ordered.

As to claims 10,39, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claims 11,40, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claims 12,41, as the system is disclosed as being for customized products (as discussed in relation to claims 1,30), it would have been obvious to one of ordinary skill in the art to allow the customer to choose customized services as this is what the system is designed to do.

As to claims 13, the design of the finished product would be that which defines which manufacture means to use.

As to claims 14,42, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is means to give the computer direction and computers accept direction in data files (computer files).

As to claims 15,43,44, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 1,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means and a means to generate such files.

As to claims 17, it would be inherent that the product produced must be identified else the finished product would not be correct.

As to claim 19, if the finished product is to be printed stock, it would be inherent that the work piece be printable stock.

As to claim 20, Head discloses assuring that the workpiece is loaded correctly (104,108,109, fig 3C).

As to claim 21, Head, discloses means connected to and interconnecting the manufacturing means (the assembly line) that transports partially completed pieces (inherent in an assembly line as the pieces are added to at each stop and only completed at the end of the line) the predetermined order that which will produce the finished product properly.

As to claim 22, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

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As to claim 23, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for preparing the product for packaging so as to package the product to protect the product from getting dirty or being damaged during shipping.

As to claim 24, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claim 25, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claim 26, the examiner takes Official Notice that it is old and well known to take orders over the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to allow a user to use a display (computer monitor) to order products to allow the manufacturer to take orders over the Internet.

As to claim 27, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is

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means to give the computer direction and computers accept direction in data files (computer files). These would inherently be "uploaded".

As to claims 28,29, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 1,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 
12/10/05

Michael Fisher


Patent Examiner
GAU 3629